

## **IC 20-19-2**

### **Chapter 2. State Board of Education**

## **IC 20-19-2-1**

### **"Advisory committee"**

Sec. 1. As used in this chapter, "advisory committee" refers to the advisory committee on textbook adoption established by section 3 of this chapter.

*As added by P.L.1-2005, SEC.3.*

## **IC 20-19-2-2**

### **State board of education**

Sec. 2. (a) The Indiana state board of education is established. The state board consists of:

- (1) the state superintendent; and
- (2) ten (10) members appointed by the governor.

(b) The following provisions apply to members of the state board appointed by the governor:

- (1) At least four (4) of the members must be actively employed in the schools in Indiana and hold a valid teaching license.
- (2) At least one (1) member must be appointed from each congressional district in Indiana.
- (3) Not more than six (6) members of the state board may be appointed from the membership of any one (1) political party.
- (4) The term of office of a member begins on July 1. Except as provided in subdivision (5), the term of office of a member is four (4) years.
- (5) The governor may dismiss a member for just cause.
- (6) The governor may appoint a member to fill a vacancy occurring on the state board. A member appointed under this subdivision serves for the remainder of the unexpired term.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) The state superintendent serves as chairperson of the state board.

*As added by P.L.1-2005, SEC.3.*

## **IC 20-19-2-3**

### **Advisory committee on textbook adoption**

Sec. 3. (a) The advisory committee on textbook adoption is established. The advisory committee consists of:

- (1) the state superintendent or the state superintendent's designee; and
- (2) six (6) members appointed by the state superintendent.

(b) The following provisions apply to members of the advisory committee appointed by the state superintendent:

- (1) At least four (4) of the members must be actively employed in the schools in Indiana and hold a valid teaching license.
- (2) Not more than four (4) of the members of the committee

may be appointed from the membership of any one (1) political party.

(3) Members serve at the pleasure of the state superintendent.

(c) The state superintendent or the state superintendent's designee serves as chairperson of the advisory committee.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-4**

##### **Meetings; establishment of other advisory boards**

Sec. 4. (a) The state board and the advisory committee shall meet at the times they determine.

(b) The state board may establish other advisory committees as necessary to provide technical and professional assistance to the state board.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-5**

##### **Hearing examiners**

Sec. 5. If the state board is required to conduct hearings under IC 4-21.5-3, the state board may use hearing examiners who are not members of the state board to conduct the hearings.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-6**

##### **Secretary; powers and duties; seal**

Sec. 6. (a) The state board shall elect one (1) member to serve as secretary. The secretary shall:

(1) maintain custody of the state board's records, papers, and effects; and

(2) keep minutes of the state board's proceedings.

The records, papers, effects, and minutes of all meetings and actions of the state board shall be kept at the office of the state superintendent and are public records.

(b) The state board shall adopt and use a seal that contains the words "Indiana State Board of Education". A written description of the seal shall be recorded in the minutes of the state board and filed in the office of the secretary of state. The seal shall be used for the authentication of the acts of the state board and the important acts of the department.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-7**

##### **Compensation of state board and advisory committee members**

Sec. 7. (a) Each member of the state board who is not an officer or employee of the state is entitled to an annual salary of two thousand dollars (\$2,000).

(b) Each member of the advisory committee who is not an officer or employee of the state is entitled to the minimum salary per diem provided in IC 4-10-11-2.1(b) while performing their respective duties as committee members.

(c) Each member of the state board or the advisory committee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. The compensation of members employed in the public schools may not be decreased because of regular service on the state board or the advisory committee.

*As added by P.L.1-2005, SEC.3.*

## **IC 20-19-2-8**

### **Adoption of administrative rules by state board**

Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines, other than building, space, and site requirements, for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-9-7 and IC 20-28-9-8;

(E) IC 20-28-11; and

(F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and

IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(10) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

*As added by P.L.1-2005, SEC.3. Amended by P.L.65-2005, SEC.2.*

### **IC 20-19-2-9**

#### **Advisory committee rules concerning textbook adoption**

Sec. 9. (a) The advisory committee may initiate rules and hold public hearings under IC 4-22-2 on rules concerning the adoption of textbooks. The advisory committee shall send a proposed rule on which public hearings have been held to the state board. The state board may adopt or reject a rule initiated by the advisory committee. If the advisory committee holds hearings on a proposed rule, the state board is not required to hold hearings.

(b) Every rule initiated by the state board concerning textbook adoption shall be sent to the advisory committee. Upon receipt of a rule initiated by the state board, the advisory committee may hold public hearings on the rule. If the advisory committee holds a public hearing on a rule initiated by the state board, the advisory committee shall send the proposed rule and a recommendation to the state board not more than ninety (90) days after the date the advisory committee receives the rule from the state board. If the advisory committee fails to hold a hearing or to return the proposed rule with a recommendation to the state board within the ninety (90) day period, the state board may:

(1) hold public hearings on the proposed rule and proceed under IC 4-22-2; or

(2) discontinue the proceedings.  
*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-10**

##### **Recognition of educational programs of nonpublic schools; accreditation**

Sec. 10. (a) It is the policy of the state that the state:

- (1) recognizes that nonpublic schools provide education to children in Indiana;
- (2) has an interest in ensuring that all Indiana children are well educated in both curricular and extracurricular programs; and
- (3) should facilitate the transferability of comparable academic credit between appropriate nonpublic schools and state supported educational institutions.

(b) The state board shall implement a system of recognition of the educational programs of nonpublic schools to fulfill the policy set forth in subsection (a).

(c) The system of recognition described under subsection (b) must:

- (1) be voluntary in nature with respect to the nonpublic school;
- (2) recognize the characteristics that distinguish nonpublic schools from public schools; and
- (3) be a recognition system that is separate from the accreditation standards required of public schools and available to nonpublic schools under section 8(a)(5) of this chapter.

(d) This section does not prohibit a nonpublic school from seeking accreditation under section 8(a)(5) of this chapter.

(e) The state board shall adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-11**

##### **School improvement and achievement plans; rules**

Sec. 11. (a) As used in this section, "plan" refers to a strategic and continuous school improvement and achievement plan developed under IC 20-31-5.

(b) A plan must:

- (1) conform to the requirements of IC 20-31-5; and
- (2) include a professional development program that conforms to IC 20-20-31.

(c) The governing body may do the following for a school that participates in a plan:

- (1) Invoke a waiver of a rule adopted by the state board under IC 20-31-5-5(b).
- (2) Develop a plan for the admission of students who do not reside in the school's attendance area but have legal settlement in the school corporation.

(d) In approving a school corporation's actions under this section, the state board shall consider whether the governing body has done the following:

- (1) Approved a school's plan.
  - (2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.
  - (e) The state board may waive any statute or rule relating to curriculum or textbook selection on behalf of a school in accordance with IC 20-31-5-5.
  - (f) As part of the plan, the governing body may develop and implement a policy to do the following:
    - (1) Allow the transfer of a student who resides in the school's attendance area but whose parent requests that the student attend another school in the school corporation of legal settlement.
    - (2) Inform parents of their rights under this section.
  - (g) The state board shall adopt rules under IC 4-22-2 to implement this section.
- As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-12**

##### **Guidelines on selection of school sites and construction, alteration, and repair of school buildings; plans and specifications approval process**

- Sec. 12. (a) The state board shall adopt nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings. The nonbinding guidelines:
- (1) must include preferred location and building practices for school corporations, including standards for enhancing health, energy efficiency, cost efficiency, and instructional efficacy; and
  - (2) may include guidelines concerning minimum acreage, cost per square foot, and per student square footage.
- (b) The state board shall annually compile, in a document capable of easy revision, the:
- (1) guidelines described in subsection (a); and
  - (2) rules of the:
    - (A) fire prevention and building safety commission; and
    - (B) state department of health;
- that govern site selection and the construction, alteration, and repair of school buildings.
- (c) Before submitting completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the state building commissioner for issuance of a design release under IC 22-15-3, a school corporation shall:
- (1) issue a public document that describes any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the state board; and
  - (2) after publishing a notice of the public hearing under

IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications. After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the state building commissioner without making changes. The school corporation shall revise the public document described in subdivision (1) to identify any changes in the plans and specifications after the public document's initial preparation.  
*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-13**

##### **Limitation of state board authority concerning construction, alteration, or repair of school buildings**

Sec. 13. The state board may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

- (1) The terms of a federal grant or a federal law.
- (2) IC 20-35-4-2 concerning the authorization of a special school for children with disabilities.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-14**

##### **Duties of state board**

Sec. 14. The state board shall do the following:

- (1) Establish the educational goals of the state, developing standards and objectives for local school corporations.
- (2) Assess the attainment of the established goals.
- (3) Assure compliance with established standards and objectives.
- (4) Make recommendations to the governor and general assembly concerning the educational needs of the state, including financial needs.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-15**

##### **Freeway school corporation and freeway school**

Sec. 15. The state board shall comply with IC 20-26-15 to establish a freeway school corporation and a freeway school.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-16**

##### **Federal aid concerning children with disabilities**

Sec. 16. (a) The state accepts the provisions and benefits of laws enacted by the Congress of the United States that provide for aid to children with disabilities.

(b) The state board is designated as the proper authority and may accept any federal funds appropriated to aid in the education of children with disabilities. The state board shall comply with all the requirements of:

- (1) federal law concerning any federal funds relating to special educational activities; and
- (2) any amendments to those laws or rules and regulations issued under and in conformity with those laws and not inconsistent with this chapter.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-17**

##### **Federal aid concerning vocational education**

Sec. 17. The provisions of an act of Congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," are accepted by the state as to the following:

- (1) Appropriations for the salaries of:
  - (A) teachers;
  - (B) supervisors; or
  - (C) directors;of agricultural subjects.
- (2) Appropriations for salaries for teachers of trade and industrial subjects.
- (3) Appropriations for the training of teachers of vocational subjects.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-18**

##### **State treasurer as custodian for vocational education funds**

Sec. 18. (a) The treasurer of state is designated as the custodian for vocational education.

- (b) The treasurer of state shall do the following:
  - (1) Receive money paid to the state from the United States treasury under the act of Congress described in section 17 of this chapter.
  - (2) Pay the money described in subdivision (1), upon the warrant of the auditor of state, when the money is certified by the state board.

*As added by P.L.1-2005, SEC.3.*

#### **IC 20-19-2-19**

##### **State board designated to administer vocational education act**

Sec. 19. The state board:

- (1) is designated as the state agency to carry out the provisions of the act of Congress described in section 17 of this chapter, so far as the act relates to the cooperation of the state and federal government; and
- (2) may take all necessary steps in:
  - (A) forming plans to promote education in agriculture, trades, and industries; and

(B) forming and executing plans to prepare teachers of vocational subjects.

*As added by P.L.1-2005, SEC.3.*